



*Handwritten signatures and initials in the top right corner.*

PATENT  
Customer No. 22,852  
Attorney Docket No. 3715.0062-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Brigitte GICQUEL et al.	)	Group Art Unit: 1636
	)	
Application No.: 09/855,604	)	Examiner: Konstantina T. KATCHEVES
	)	
Filed: May 16, 2001	)	Confirmation No.: 2574
	)	
For: POLYPEPTIDE NUCLEIC	)	
SEQUENCES EXPORTED FROM	)	
MYCOBACTERIA, VECTORS	)	
COMPRISING SAME AND USES	)	
FOR DIAGNOSING AND	)	
PREVENTING TUBERCULOSIS	)	

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION FOR AN UNINTENTIONALLY DELAYED  
FOREIGN PRIORITY CLAIM UNDER 37 C.F.R. 1.55(c)**

This application was filed May 16, 2001. The transmittal letter forwarding the application to the Office for filing requested amendment of the specification to insert a new paragraph reciting that "[t]his application is a continuation of application Serial No. 09/485,536, filed February 14, 2000, which is incorporated herein by reference." (A copy of the transmittal letter for the instant application is attached hereto as Exhibit A.) Thus, Applicants have complied with the requirements of 35 U.S.C. § 120 and 37 C.F.R. § 1.78, and have perfected their claim for priority to Application No. 09/485,536 ("the '536 application").

12/06/2004 HGBREM1 00000043 060916 09855604

01 FC:1454 40.00 DA 1330.00 OP

**BEST AVAILABLE COPY**

The transmittal letter by which this application was filed expressly incorporated the '536 application into the instant application by reference. (See Exhibit A.) The '536 application is a national stage application of PCT/FR98/01813, which has an international filing date of August 14, 1998, and was published on February 25, 1999, as WO 99/09186. (Copies of the transmittal letter for the '536 application and the face page of WO 99/09186, which was filed together with the '536 application, are attached hereto as Exhibit B.)

Because PCT/FR98/01813 designated the United States, it has the same effect, from its international filing date, of a national application filed in the United States. 35 U.S.C. § 363. Thus, the reference to the '536 application in the transmittal letter filing the instant application was also a reference to PCT/FR98/01813, which is the same application.

Under § 363, the filing date of the '536 application is the international filing date, i.e., August 14, 1998. (February 14, 2000, is the date that all requirements for the national stage were met.) This is within one year of the filing date of FR 97/10,404 and FR 97/11,325, to which Applicants claimed priority in the '536 application transmittal letter (Exhibit B), and in the instant application by virtue of the incorporation of the '536 application (including the WO cover page) by reference.

Applicants note that priority to FR 97/10,404 and FR 97/11,325, was also claimed in the Declaration, which was filed in the instant application on May 2, 2002. (A copy of the Declaration, a Petition for Filing Declaration Under 37 C.F.R. § 1.47 - Non-Signing Inventor, and Declaration in Accordance With 37 C.F.R. § 1.47(a), all filed together on May 2, 2002, are attached hereto as Exhibit C.)

For the above reasons, Applicants submit that they have complied with the requirements for claiming priority to FR 97/10,404 and FR 97/11,325. The Examiner has disagreed and has stated that the instant application is not entitled to claim priority to FR 97/10,404 and FR 97/11,325.

Because Applicants believe that they have complied with all requirements for claiming priority to FR 97/10,404 and FR 97/11,325 in the instant application, Applicants respectfully submit that any failure to make such a claim in a timely manner is necessarily unintentional. (Indeed, for this very reason it is Applicants' belief that this Petition and a Petition Fee are not necessary and in this case should be waived.) Applicants submit that the requirements of 37 C.F.R. § 1.55(c)(3) are thus satisfied.

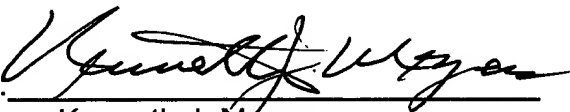
In compliance with 37 C.F.R. § 1.55(c)(1), Applicants submit a Claim for Priority herewith, explicitly claiming priority to PCT/FR98/01813, filed August 14, 1998, FR 97/10,404, filed August 14, 1997, and FR 97/11,325, filed September 11, 1997.

In compliance with 37 C.F.R. § 1.55(c)(2), please charge the \$1330.00 surcharge set forth in 37 C.F.R. § 1.17(t), as well as any other fees required for consideration of this Petition, to our Deposit Account No. 06-0916.

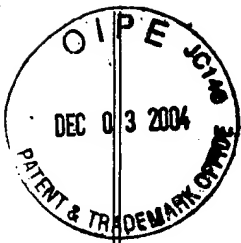
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 3, 2004

By:   
Kenneth J. Meyers  
Reg. No. 25,146  
Telephone: 202.408.4033  
Facsimile: 202.408.4400

**Attachments: Exhibits A-C**



PATENT  
Attorney's Docket Number: 03715.0062-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Prior Application: Art Unit: **Not Assigned**  
Examiner: **L. Smith**

SIR: This is a request for filing a

■ Continuation □ Continuation-in-Part □ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/485,536 filed February 14, 2000 of Brigitte GICQUEL et al. for POLYPEPTIDE NUCLEIC SEQUENCES EXPORTED FROM MYCOBACTERIA, VECTORS COMPRISING SAME, AND USES FOR DIAGNOSING AND PREVENTING TUBERCULOSIS.

1. ■ Enclosed is a complete copy of the prior application, including the drawings, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/485,536 as originally filed on February 14, 2000, which is incorporated herein by reference.
2. □ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. □ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4. ■ Cancel Claims 2-74.
5. □ A Preliminary Amendment is enclosed.
6. ■ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.



Basic Application Filing Fee					\$710	\$ 710.00
	Number of Claims		Basic	Extra Claims		
Total Claims	1	-	20	0	x \$18	710.00
Independent Claims	1	-	3	0	x \$80	
[ ] Presentation of Multiple Dep. Claim(s)					+\$270	
					Subtotal	\$ 710.00
					Reduction by ½ if small entity	-
					TOTAL APPLICATION FILING FEE	\$ 710.00

7. ■ A check in the amount of \$710.00 to cover the filing fee is enclosed.
8. ■ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ■ Amend the specification by inserting before the first line, the sentence:  
--This is a continuation of application Serial No. 09/485,536, filed February 14, 2000, which is incorporated herein by reference.--
10. □ New formal drawings are enclosed.
11. □ The prior application is assigned of record to: \_\_\_\_\_.
12. □ Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ (country) is claimed under 35 U.S.C. § 119. A certified copy  
□ is enclosed or □ is on file in the prior application.
13. □ A verified statement claiming small entity status  
□ is enclosed or □ is on file in the prior application.
14. ■ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg.

No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33, 921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; and David A. Manspeizer, Reg. No. 37,540.

15. ☐ The power appears in the original declaration of the prior application.
16. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

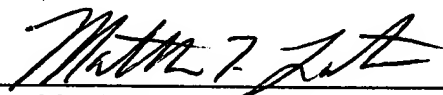
LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

17. ■ This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for filing the Declaration.
18. ■ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
19. □ Recognize as associate attorney \_\_\_\_\_  
\_\_\_\_\_  
(name, address & Reg. No.)
20. □ Also enclosed is \_\_\_\_\_  
\_\_\_\_\_

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 09/485,536, filed February 14, 2000, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
Matthew T. Latimer  
Reg. No. 44,024

Date: May 16, 2001

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

DEC 03 2004

Attorney's Docket Number  
0715.0062

U.S. Application No.

International Application. No.  
PCT/FR98/01813

International Filing Date  
August 14, 1998

Priority Date Claimed  
August 14, 1997  
Sept. 11, 1997

Title of Invention: POLYPEPTIDE NUCLEIC SEQUENCES EXPORTED FROM MYCOBACTERIA, VECTORS  
COMPRISING SAME AND USES FOR DIAGNOSING AND PREVENTING  
TUBERCULOSIS

Applicant(s) For DO/EO/US: GICQUEL, Brigitte et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US)  
the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c) (2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c) (3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c) (3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c) (4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c) (5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:
  - a. ☐ Verified Small Entity Statement.
  - b. ☐ Copy of Notification of Missing Requirements.



17. [X] The following fees are submitted:

## CALCULATIONS

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Search Report has been prepared by the EPO or JPO.....\$840.00

\$840.00

International preliminary examination fee paid to

USPTO (37 CFR 1.482).....\$670.00

No international preliminary examination fee paid to

USPTO (37 CFR 1.482) but international search fee

paid to USPTO (37 CFR 1.445(a)(2)).....\$690.00

Neither international preliminary examination fee

(37 CFR 1.482) nor international search fee

(37 CFR 1.445(a)(2)) paid to USPTO.....\$970.00

International preliminary examination fee paid to USPTO

(37 CFR 1.482) and all claims satisfied provisions

of PCT Article 33(1)-(4).....\$ 96.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$ 840.00

Surcharge of \$130.00 for furnishing the oath or declaration later than

[ ] 20 [ ] 30 months from the earliest claimed priority date

37 CFR 1.492(e)).

\$

Claims	Number Filed	Number Extra	Rate	
Total Claims	74-20=	54	X \$18.00	\$ 972
Independent Claims	5 - 3=	3	X \$78.00	\$ 156
Multiple dependent claim(s) (if applicable)			+\$260.00	\$

TOTAL OF ABOVE CALCULATIONS =

\$ 1,968

Reduction by 1/2 for filing by small entity, if applicable. Verified

Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28)

\$

SUBTOTAL =

\$

Processing fee of \$130.00 for furnishing the English translation later

than [ ] 20 [ ] 30 months from the earliest claimed priority date

37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$ 1,968

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The

assignment must be accompanied by an appropriate cover sheet

37 CFR 3.28, 3.31).

\$40.00 per property +

\$

TOTAL FEES ENCLOSED =

\$

Amount to be

refunded \$

charged \$

a. [ ] A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.

b. [X] Please charge my Deposit Account No. 06-0916 in the amount of  
\$ 1,968 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. [X] The Commissioner is hereby authorized to charge any additional fees  
which may be required, or credit any overpayment to Deposit Account  
No. 06-0916. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge any other fees due under 37 C.F.R. \$1.16  
or \$1.17 during the pendency of this application to our Deposit Account No. 06-0916.

END ALL CORRESPONDENCE TO:

Innegan, Henderson, Farabow

Garrett & Dunner, L.L.P.

300 I Street, N.W.

Washington, D.C. 20005-3315

JM/FPD/cm

Ernest F. Chapman

Reg. No. 25,961

Submitted: February 14, 2000

**PCT**

WORLD INTELLECTUAL PROPERTY ORGANIZATION

International Bureau

INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<b>(51) International patent classification<sup>6</sup>:</b> C12N 15/74, 15/31, C07K 14/35, A61K 48/00, 39/04, C07K 19/00, C12Q 1/68, C07K 16/12, G01N 33/50, 33/53 // C12N 15/52, 15/65	<b>A2</b>	<b>(11) International publication number:</b> WO 99/09186  <b>(43) International publication date:</b> 25 February 1999 (25.02.99)
<b>(21) International application number:</b> PCT/FR98/01813  <b>(22) International filing date:</b> 14 August 1998 (14.08.98)  <b>(30) Data relating to the priority:</b> 97/10,404 14 August 1997 (14.08.97) FR 97/11,325 11 September 1997 (11.09.97) FR  <b>(71) Applicant (for all designated States except US):</b> INSTITUT PASTEUR [FR/FR]; 28, rue du Docteur Roux, F-75015 Paris (FR).  <b>(72) Inventors; and</b> <b>(75) Inventors/Applicants (US only):</b> GICQUEL, Brigitte [FR/FR]; 8, rue Daguerre, F-75014 Paris (FR). PORTNOÏ, Denis [FR/FR]; 7, rue Simon Lefranc, F-75004 Paris (FR). LIM, Eng-Mong [KH/FR]; 20, rue Georges Pitard, F-75015 Paris (FR). PELICIC, Vladimir [FR/FR]; 28, rue de Chateaudun, F-75009 Paris (FR). GUIGUENO, Agnès [FR/FR]; 26-28, rue Gambetta, F-62026 Arras (FR). GOGUET DE LA SALMONIERE, Yves [FR/FR]; 30, rue Lourmel, F-75015 Paris (FR).  <b>(74) Representatives:</b> MARTIN, Jean-Jacques etc.; Cabinet Regimbeau, 26, avenue Kléber, F-75116 Paris (FR).		<b>(81) Designated states:</b> AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, GM, HR, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO Patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian Patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European Patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI Patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).  <b>Published</b> <i>Without the International Search Report and to be republished once the report has been received. With details relating to biological material which has been filed, supplied in accordance with rule 13a, separately, and not with the description</i>
As printed		
<b>(54) Title:</b> POLYPEPTIDE NUCLEIC SEQUENCES EXPORTED FROM MYCOBACTERIA, VECTORS COMPRISING SAME AND USES FOR DIAGNOSING AND PREVENTING TUBERCULOSIS		
<b>(54) Titre:</b> SEQUENCES NUCLEIQUES DE POLYPEPTIDES EXPORTEES DE MYCOBACTERIES, VECTEURS LES COMPRENANT ET APPLICATIONS AU DIAGNOSTIC ET A LA PREVENTION DE LA TUBERCULOSE		
<b>(57) Abstract</b>		
<p>The invention concerns recombinant vectors replicated in mycobacteria, a set of sequences coding for exported polypeptides detected by fusion with alkaline phosphatase, in particular one polypeptide, called DP428, of about 12 kD corresponding to an exported protein found in mycobacteria belonging to the <i>Mycobacterium tuberculosis</i> complex. The invention also concerns methods and kits for detecting in vitro the presence of a mycobacterium and in particular a mycobacterium belonging to the <i>Mycobacterium tuberculosis</i> complex in a biological sample using said polypeptides, their fragments or polynucleotides coding for the latter. The invention also concerns immunogenic or vaccine compositions for preventing and/or treating infections caused by mycobacteria and in particular a mycobacterium belonging to said complex, particularly tuberculosis.</p>		
<b>(57) Abrégé</b>		
<p>L'invention a pour objet des vecteurs recombinants se répliquant chez les mycobactéries, un ensemble de séquences codant pour des polypeptides exportés détectés par des fusions avec la phosphatase alcaline, notamment un polypeptide, dénommé DP428, d'environ 12kD correspondant à une protéine exportée retrouvée dans les mycobactéries appartenant au complexe de <i>Mycobacterium tuberculosis</i>. L'invention concerne également des procédés et des kits de détection <i>in vitro</i> de la présence d'une mycobactérie et en particulier une mycobactérie appartenant au complexe de <i>Mycobacterium tuberculosis</i> dans un échantillon biologique utilisant lesdits polypeptides, leurs fragments ou des polynucleotides codant pour ces derniers. L'invention vise des compositions immunogènes ou vaccins pour la prévention et/ou le traitement d'infections provoquées par des mycobactéries et en particulier une mycobactérie appartenant audit complexe, en particulier la tuberculose.</p>		

# DECLARATION AND POWER OF ATTORNEY



As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which ☐ is attached and/or ☒ was filed on August 14, 1998 as United States Application Serial No. or PCT International Application No. PCT/FR98/01813 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(e) of any PCT International application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) having a filing date before that of the application(s) of which priority is claimed:

Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. 119	
France	97 10404	August 14, 1997	<input type="checkbox"/> YES	<input type="checkbox"/> NO
France	97 11325	September 11, 1997	<input type="checkbox"/> YES	<input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application:

Application Number	Date of Filing	Status (Patented, Pending, Abandoned)
PCT/FR98/01813	August 14, 1998	Pending

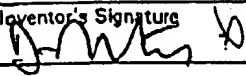

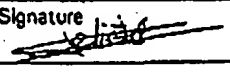
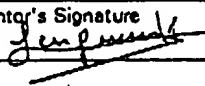

I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorcelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajelsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; Roger D. Taylor, Reg. No. 28,992; David M. Kelley, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 28,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burguljan, Reg. No. 31,744; Michael Jakes, Reg. No. 32,824; Dirk D. Thomas, Reg. No. 32,600; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; and Linda A. Wadler, Reg. No. 33,218; and  
Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P. 1300 I Street, N.W. Washington, D.C. 20005, Telephone No. (202) 408-4000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of First Inventor GICQUEL Brigitte	Inventor's Signature 	Date
Residence 8, rue Daguerre - 75014 PARIS - France		Citizenship FRENCH
Post Office Address The same as residence		

Listing of Inventors Continued on Page 2 hereof. ☒ Yes ☐ No

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER L.L.P.

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Post Office Address The same as residence		
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Post Office Address The same as residence		
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Residence 30, rue Lourmel - 75015 PARIS - FRANCE		Citizenship FRENCH
Post Office Address The same as residence		
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Residence		Citizenship
Post Office Address		
Full Name of Eighth Inventor	Inventor's Signature	Date
Residence		Citizenship
Post Office Address		
Full Name of Ninth Inventor	Inventor's Signature	Date
Residence		Citizenship
Post Office Address		
Full Name of Tenth Inventor	Inventor's Signature	Date
Residence		Citizenship
Post Office Address		
Full Name of Eleventh Inventor	Inventor's Signature	Date
Residence		Citizenship
Post Office Address		

PATENT

Attorney Docket No. 03715-0062-01

Customer Number 22,852

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brigitte GICQUEL et al.

Serial No.: 09/855,604

Filed: May 16, 2001

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

For: POLYPEPTIDE NUCLEIC SEQUENCES EXPORTED FROM MYCOBACTERIA,  
VECTORS COMPRISING SAME AND USES FOR DIAGNOSING AND  
PREVENTING TUBERCULOSIS

Assistant Commissioner for Patents  
Washington, DC 20231

Attention: **BOX MISSING PARTS**

Sir:

DECLARATION IN ACCORDANCE WITH 37 C.F.R. § 1.47(a)

I, Danielle Berneman, do hereby make the following declaration:

1. I am head of the Patents and Inventions Office of Institut Pasteur, one of the two Assignees of this patent application.
2. Institut Pasteur is responsible for prosecution of this patent application.
3. The invention described in this application was made by Brigitte Gicquel, Denis Portnoï, Eng-Mong Lim, Vladimir Pelicic, Agnès Guigeno, and Yves Goguet de la Salmonière.
4. The last known address of Mr. Goguet de la Salmonière is:  
  
30 rue de Lourmel  
75015 Paris  
France
5. I am the person at Institut Pasteur who is responsible for ensuring that the inventors execute the Oath or Declaration for U.S. patent applications.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNN LLP

1300 I Street, NW  
Washington, DC 20005  
202.462.4000  
Fax 202.462.4400  
www.finnegan.com

PATENT

Attorney Docket No. 03715-0062-01

Customer Number 22,852


6. I forwarded a package, including the entire application and an oath/declaration, to Mr. Goguet de la Salmonière at his last known address on February 7, 2002, for his review and execution.

7. I received from the French post the returned package, with "NHPAI" handwritten on the package. "NHPAI" stands for "N'Habite Plus à l'Adresse Indiquée," which translates into "does not live at the indicated address."

8. I am not aware of a new address for Mr. Goguet de la Salmonière.

9. Attached is a copy of the communication referred to in paragraph 8 (including an English translation), and two copies of the French post receipt, in different levels of darkness, so that the various writing on the receipt can be interpreted.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements might jeopardize the validity of the application or any patent issuing thereon.

Date: April 2<sup>nd</sup> 2002 By: 

Danielle Berneman  
Head of Patents and Inventions Office  
Institut Pasteur  
28 Rue du Docteur Roux  
75724 Paris Cedex 15  
FRANCE

Danielle BERNEMAN  
Chef du Service des Brevets  
& Inventions



INSTITUT PASTEUR

25-28, rue du Docteur Roux  
75724 Paris Cedex 15

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com



Paris,

- 7 FEVR 2002

# INSTITUT PASTEUR

*Service des Brevets et Inventions*

Monsieur Yves GOGUET de la SALMONIERE  
30 rue de Lourmel  
75015 - PARIS

Lettre recommandée avec accusé réception

DB/EB/NC-02/0251

Objet : Banque génomique de Mycobacterium Tuberculosis  
Invention GICQUEL et al  
DI 97-25 et 98-31

Cher Monsieur,

Nous revenons vers vous concernant l'invention citée en objet et plus particulièrement concernant la demande US 855604 correspondant à la demande internationale PCT/FR98/01813 déposé le 14/08/1998.

Afin d'éviter la perte des droits attachés à cette invention, nous vous adressons sous ce pli :

- une copie du texte tel que déposé de la demande internationale,
- une copie du texte tel que déposé de la demande US 85560,
- un nouveau jeu de documents (cession CANADA et USA et déclaration) que je vous remercie de bien vouloir dater et signer.

Ces documents devant être déposés devant les Offices concernés, au plus tard le 22 février 2002, je vous serais reconnaissante de bien vouloir me les retourner au plus tard le 19 février 2002.

Je vous prie de croire, Cher Monsieur, à l'assurance de ma considération distinguée.

Danielle BERNEMAN  
Chef du Service des Brevets et Inventions

PJ : 3

Direction de la Valorisation Cc : B. Gicquel  
et des Partenariats Industriels E. Bonnefoi

Paris, 7 February 2002

# INSTITUT PASTEUR

*Patents and Inventions Department*

Monsieur Yves GOGUET de la SALMONIERE  
30, rue de Lourmel  
75015 PARIS

Registered letter with acknowledgment receipt

DB/EB/NC-02/0251

Object : Mycobacterium Tuberculosis genomic bank  
Invention GICQUEL et al.  
DI -25 and 98-31

Dear Sir,

We revert to you concerning the above-cited invention and more particularly concerning the patent application US 855604 corresponding to the international patent application PCT/FR/ filed on 08/14/1998.

In order to avoid the loss of rights attached to this invention, you will find herewith enclosed :

- a copy of the text as filed of the international patent application,
- a copy as filed of the US 85560 patent application,
- a new set of documents (USA and CANADA assignment and statement) and thank you to duly date and sign.

These documents must be filed before the concerned Patent Offices by February 22, 2002, I would be grateful to return them to me by February 19, 2002.

Yours faithfully.

Danielle BERNEMAN  
Chief of the Patents and Inventions Department

P.J. : 3

Cc : B. Gicquel  
E. Bonnefoi



INSTITUT PASTEUR

26-03-2002

15:36

DE

CABINET REGIMBEAU PARIS

A 00012024-000000

P.05

Monsieur Yves GOGUET de la SALMONIERE

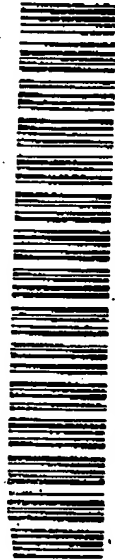
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AVEC AVIS DE RECEPTION  
RA 8461 3819 7FR

DL 0725 de 98.34

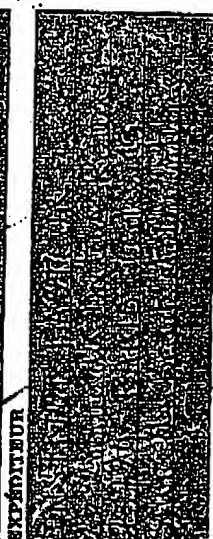
TAUX DE RECOMMANDATION RI ☒ R ☐ RS ☐

Présentation le		Date		Contre-Remise		Faire la Remise	
Description le		Date		Contre-Remise		Faire la Remise	
Signature du destinataire		Date		Contre-Remise		Faire la Remise	



RA 8461 3819 7FR

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INSTITUT PASTEUR



Monsieur Yves GOGUET de la SALMONIERE

LA POSTE

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DL 27 25 et 98-31

TAUX DE RECOMMANDATION R1 ☒ R2 ☐ R3 ☐  
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75724 PARIS Cedex 15
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PATENT  
Customer No. 22,852  
Attorney Docket No. 3715.0062-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Brigitte GICQUEL et al.	)	Group Art Unit: 1636
	)	
Application No.: 09/855,604	)	Examiner: Konstantina T. KATCHEVES
	)	
Filed: May 16, 2001	)	Confirmation No.: 2574
	)	
For: POLYPEPTIDE NUCLEIC	)	
SEQUENCES EXPORTED FROM	)	
MYCOBACTERIA, VECTORS	)	
COMPRISING SAME AND USES	)	
FOR DIAGNOSING AND	)	
PREVENTING TUBERCULOSIS	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CLAIM FOR PRIORITY**

This application is a continuation of Application No. 09/485,536, which is a national stage of PCT/FR98/01813, filed August 14, 1998. Applicants hereby claim priority to under 35 U.S.C. § 119 to FR 97/10,404, filed August 14, 1997, and FR 97/11,325, filed September 11, 1997.

Please grant any extensions of time required to enter this Claim for Priority and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 3, 2004

By: 

Kenneth J. Meyers  
Reg. No. 25,146

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